



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,875	02/05/2002	Timothy R. Kane	END920020006US1	6282
45092 7590 05/18/2011 HOFFMAN WARNICK LLC 75 STATE ST 14TH FLOOR ALBANY, NY 12207				
EXAMINER LIN, KENNY S				
ART UNIT 2478		PAPER NUMBER		
NOTIFICATION DATE 05/18/2011		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOCommunications@hoffmanwarnick.com

# Office Action Summary

**Application No.**

10/067,875

**Applicant(s)**

KANE ET AL.

**Examiner**

KENNY LIN

**Art Unit**

2478

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 March 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-21 are presented for examination.

#### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 16-21 are rejected under 35 U.S.C. 101 because the invention is not limited to tangible embodiments. As such, the claim is not limited to statutory subject matter and is therefore non-statutory. See MPEP § 2106. A program product stored on a computer readable storage medium such as carrier wave or optical wave is not tangible since such computer transport medium does not fall into the categories of “process”, “machine”, “manufacture” and “composition of matter”. (wave and signals may temporarily store computer program). Applicant is suggested to amend the term to read “computer readable non-transitory medium”.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3, 10, 12, 16 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Endo, US 2004/0212841, filed on April 30, 2004 with a priority date to a divisional application filed on October 26, 1998.

6. Endo was cited in the previous office action.

7. As per claim 1, Endo taught the claimed invention including a method for routing data by a server, comprising the step of:

- a. Providing an application on the server (pp. 0048-0049, system or program is loaded from the HD drive, OS program, document-transmission control program);
- b. Providing a table of formats and protocols on the server, wherein the table is accessible by the application, wherein the table contains a plurality of formats and protocols (pp. 0049, 0052-0053, 0055-0056, 100-105, default data-transmission-format information base and various transmission protocols, destination list);
- c. Receiving, on the server, data to be routed from a source to a destination (pp. 0048-0049; server HD reading, loading and storing document read from a scanner for transmission), the data having the destination (e.g. receiver email address, ftp address; figs.4-8) and a transaction type that defines a logical purpose for which the data included therein is used (e.g. transmission methods such as email defines how the data will be transmitted; figs. 4-8, pp. 0058; transmission method 502), (pp. 0055-0056, 0060-0065, figs.3-4, 8-9; document input unit; data are collected

in accordance with data transmission format based classification and communication-method based classification);

- d. Retrieving, from the table, a format, distinct from the transaction type (pp. 0055, data transmission format. Figs. 4-8: format 1, format 2 or format 3), for transforming the data and a protocol of the plurality of protocols for communicating the data based on the destination, the transaction type and the source (pp. 0055-0056, 0058-0059, 0061, 100-105);
- e. The application transforming the data into the retrieved format, and routing the transformed data to the destination using the retrieved communication protocol (pp. 0055-0056, 0065-0066, 0068-0069, 0096-0097),
- f. receiving, on the server, alternate data to be routed from an alternate source (pp. 0048-0049: data inputted from floppy drive 204) to an alternate destination (e.g. receiver email address, ftp address; figs 4-8 alternate rows), the alternate data having the alternate destination and an alternate transaction type that defines a logical purpose for which the alternate data included therein is used (e.g. alternate transmission methods such as ftp, fax, Ipr and database defines how the data will be transmitted; figs. 4-8, pp. 0058: transmission method 502);
- g. retrieving, from the table, a different format of the plurality of formats for transforming the alternate data and a different protocol of the plurality of protocols for communicating the alternate data based on the alternate destination, the alternate transaction type and the alternate source (pp. 0055-0056, 0058-0059, 0061, 100-105, figs. 4-8 format 1, format 2, or format 3); and

- h. the application transforming the alternate data into the retrieved different format, and routing the transformed alternate data to the alternate destination using the retrieved different communication protocol (pp. 0055-0056, 0065-0066, 0068-0069, 0096-0097).
- 8. As per claims 10 and 16, Endo taught the claimed invention including a system and its program product for routing data by a server, comprising:
  - a. A table system for providing a table having a plurality of formats and protocols (pp. 0048-0049, 0052-0053, 0055-0056, default data-transmission-format information base and various transmission protocols, destination list);
  - b. A data reception system for receiving data from a source to be routed to a destination (pp. 0048-0049), the data having a destination and a transaction type that defines a logical purpose for which the data included therein is used (pp. 0055-0056, 0060-0065, figs.3-4, 8-9; document input unit; data are collected in accordance with data transmission format based classification and communication-method based classification) and for receiving alternate data from an alternate source to be routed to an alternate destination, the data having the alternate destination and an alternate transaction type that defines a logical purpose for which the alternate data include therein is used (pp. 0048-0049; data inputted from floppy drive 204 to transmitted to receiver destinations such as email address, ftp address; figs 4-8 alternate rows with alternate transmission

methods such as ftp, fax, lpr and database defines how the data will be transmitted; figs. 4-8, pp. 0058: transmission method 502);

- c. A retrieval system for retrieving a format, distinct from the transaction type (pp. 0055, data transmission format. Figs. 4-8: format 1, format 2 or format 3), of the plurality of formats for transforming the data and a protocol of the plurality of protocols for communicating the data from the table based upon the source, the destination and the transaction type (pp. 0055-0056, 0058-0059, 0061, 100-105) and for retrieving a different format of the plurality of formats for transforming the alternate data and a different protocol of the plurality of protocols for communicating the alternate data from the table based upon the alternate source, the alternate destination and the alternate transaction type (pp. 0055-0056, 0058-0059, 0061, 100-105, figs. 4-8 format 1, format 2, or format 3);
- d. A transformation system for transforming the data into the retrieved format and for transforming the alternate data into the retrieved different format (pp. 0055-0056, 0065-0066); and
- e. A routing system for routing the transformed data to the destination using the retrieved protocol and for routing the transformed alternate data to the alternate destination using the retrieved different protocol (pp. 0055-0056, 0065-0066, 0068-0069, 0096-0097).

9. As per claims 3, 12 and 18, Endo taught the invention as claimed in claims 1, 10 and 16. Endo further taught to comprise the step of identifying the source, prior to the retrieving step (pp. 0065; designate the document input source).

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 4, 7, 13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Endo, US 2004/0212841, in view of Olejar et al (Olejar), US 2003/0037100.

12. Olejar was cited in the previous office action.

13. As per claim 7, Endo taught the invention substantially as claimed including a method for routing data by a server, comprising the steps of:

- a. Providing a communication application on the server (pp. 0048-0049, system or program is loaded from the HD drive, document-transmission control program);
- b. Entering a table of formats, protocols, sources, destinations and transaction types on the server, wherein the table is accessible by the application, wherein the table contains a plurality of formats and protocols (pp. 0049, 0052-0053, 0055-0056,



- default data-transmission-format information base and various transmission protocols, destination list);
- c. Receiving, on the server, data to be routed from an identified source to a destination (pp. 0048-0049), the data having the destination and a transaction type that defines a logical purpose for which the data included therein is used (pp. 0055-0056, 0060-0065, figs.3-4, 8-9; document input unit; data are collected in accordance with data transmission format based classification and communication-method based classification);
  - d. Retrieving from the table a format of the plurality of formats for transforming the data and a protocol of the plurality of protocols for communicating the data, based on the destination, the transaction type and the source (pp. 0055-0056, 0058-0059, 0061, 100-105);
  - e. The application transforming the data into the retrieved format, and routing the transformed data from the server to the destination using the retrieved communication protocol (pp. 0055-0056, 0065-0066, 0068-0069, 0096-0097),
  - f. receiving, on the server, alternate data to be routed from an alternate source (pp. 0048-0049: data inputted from floppy drive 204) to an alternate destination (e.g. receiver email address, ftp address; figs 4-8 alternate rows), the alternate data having the alternate destination and an alternate transaction type that defines a logical purpose for which the alternate data included therein is used (e.g. alternate transmission methods such as ftp, fax, lpr and database defines how the data will be transmitted; figs. 4-8, pp. 0058: transmission method 502);

- g. retrieving, from the table, a different format of the plurality of formats for transforming the alternate data and a different protocol of the plurality of protocols for communicating the alternate data based on the alternate destination, the alternate transaction type and the alternate source (pp. 0055-0056, 0058-0059, 0061, 100-105, figs. 4-8 format 1, format 2, or format 3); and
  - h. the application transforming the alternate data into the retrieved different format, and routing the transformed alternate data to the destination using the retrieved different communication protocol (pp. 0055-0056, 0065-0066, 0068-0069, 0096-0097).
- 14. Endo did not specifically teach to detect errors in the data or alternate data based upon omissions in the alternate data. Olejar taught to detect errors in retrieved data based upon omissions in the data (claim 4; intelligent detection means). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Endo and Olejar because Olejar's teaching of detecting errors enable Endo's method to detect incomplete or inaccurate data received and automatically retrieve data to correct the problem (see Olejar, claim 4).
- 15. As per claims 4, 13 and 19, Endo taught the invention substantially as claimed in claims 1, 10 and 16. Endo did not specifically teach the step of the application detecting errors in the retrieved data based upon omissions in the data. Olejar taught an application to detect errors in retrieved data based upon omissions in the data (claim 4; intelligent detection means). It would

have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Endo and Olejar because Olejar's teaching of detecting errors enable Endo's method to detect incomplete or inaccurate data received and automatically retrieve data to correct the problem (see Olejar, claim 4).

16. Claim 2, 11 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Endo, US 2004/0212841, in view of Deng, US 6,243,394.

17. Deng was cited in the previous office action.

18. As per claims 2, 11 and 17, Endo taught the invention substantially as claimed in claims 1, 10 and 16. Endo further taught that the provided table further includes sources, destinations and transaction type (figs.5-7; pp. 0055). Endo further taught to designate a document input source (pp. 0065). Endo did not specifically teach to include sources in the table. Deng taught to include sources in the table (col.5, lines 34-38, col.8, lines 44-46). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Endo and Deng and include sources to the table to inform the data receiver where the data is from.

19. Claim 5, 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Endo, US 2004/0212841, in view of Lakshman et al (Lakshman), US 6,078,564.

20. Lakshman was cited in the previous office action.

21. As per claims 5, 14 and 20, Endo taught the invention substantially as claimed in claims 1, 10 and 16. Endo did not specifically teach the step of tracking data communication between the source and the destination. Lakshman taught to track data communication between the source and the destination (col.4, lines 64-67, col.5, lines 1-2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Endo and Lakshman because Lakshman's teaching of tracking communication enables Endo's method to monitor the transmission of the data transmitted in the communication path.

22. Claim 6, 15 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Endo, US 2004/0212841, in view of Harris, Jr. et al (Harris), US 6,144,975.

23. Harris was cited in the previous office action.

24. As per claims 6, 15 and 21, Endo taught the invention substantially as claimed in claims 1, 10 and 16. Endo did not specifically teach further the step of generating a report based upon data communications and detected errors. Harris taught to generate a report based upon data communication and detected errors destination (col.1, lines 35-36, col.8, lines 54-67, col.9, lines 1-11). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Endo and Harris because Harris' teaching of reporting enable Endo's method to present the users or the administer a documentary of the errors.

25. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Endo and Olejar as applied to claim 7 above, and further in view of Lakshman et al (Lakshman), US 6,078,564.

26. Lakshman was cited in the previous office action.

27. As per claim 8, Endo and Olejar taught the invention substantially as claimed in claim 7. Endo and Olejar did not specifically teach the step of tracking data communication between the source and the destination. Lakshman taught to track data communication between the source and the destination (col.4, lines 64-67, col.5, lines 1-2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Endo, Olejar and Lakshman because Lakshman's teaching of tracking communication enables Endo and Olejar's method to monitor the transmission of the data transmitted in the communication path.

28. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Endo, Olejar and Lakshman as applied to claim 8 above, and further in view of in view of Harris, Jr. et al (Harris), US 6,144,975.

29. Harris was cited in the previous office action.

30. As per claim 9, Endo, Olejar and Lakshman taught the invention substantially as claimed in claim 8. Endo, Olejar and Lakshman did not specifically teach further the step of generating a report based upon data communications and detected errors. Harris taught to generate a report based upon data communication and detected errors destination (col.1, lines 35-36, col.8, lines 54-67, col.9, lines 1-11). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Endo, Olejar, Lakshman and Harris because Harris, Olejar and Lakshman's teaching of reporting enable Endo's method to present the users or the administer a documentary of the errors.

#### ***Response to Arguments***

31. Applicant's arguments filed 3/14/2011 have been fully considered but they are not persuasive.

32. In regards to the 102 and 103 rejections, applicant's arguments were numerous considered and addressed. They are found not persuasive. Please see 7/13/2010 BPAI Decision in regards to the arguments and the board decision.

33. Applicant's amendment is in sufficient to overcome the 101 rejection. Further amendment is suggested above. Applicant's amendment overcame the 112 1st rejection, accordingly, the 112 1st rejections are hereto withdrawn.

#### ***Conclusion***

34. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

35. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenny Lin whose telephone number is (571) 272-3968.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Pwu can be reached on (571) 272-6798. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/067,875  
Art Unit: 2478

Page 15

/Kenny S Lin/  
Primary Examiner, Art Unit 2478  
May 16, 2011